

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GENLYTE THOMAS GROUP LLC,

Plaintiff/Counterclaim Defendant,
v.

ARCHITECTURAL LIGHTING SYSTEMS, a
division of ARCH LIGHTING GROUP,

Defendant/Counterclaimant.

Civil Action No. 05-CV-10945 REK

DEFENDANT’S MOTION IN LIMINE REGARDING EXPERTS

Pursuant to Fed. R. Civ. P. 37(c), Defendant, Arch Lighting Group, Inc. (“ALS”), hereby moves to preclude Plaintiff, Genlyte Thomas Group LLC (“Genlyte Thomas”), from offering the testimony of Michael E. Tate and Thomas M. Lemons in connection with any motion, hearing or trial in this case. As set forth more fully in the accompanying memorandum, Genlyte Thomas failed to identify Mr. Tate and Mr. Lemons as expert witnesses and to provide expert reports in a timely manner as required by Fed R. Civ. P. 26(a)(2)(c) and L.R. 26.4(a). Furthermore, in violation of the terms of the Protective Order entered by the court in this case, Genlyte Thomas provided confidential documents and information to these persons without prior notice to ALS. Accordingly, testimony from Mr. Tate and Mr. Lemons should be excluded.

Alternatively, if the Court determines that preclusion of testimony would be too onerous a sanction, ALS requests that the Court allow ALS to depose Mr. Tate and Mr. Lemons and grant ALS time to identify experts and provide expert reports to contradictory facts.

Respectfully submitted,

Dated: November 7, 2006

s/ Brett N. Dorny
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on November 7, 2006.

s/ Brett N. Dorny
Brett N. Dorny

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PROPOSED ORDER

Upon due consideration, Defendant's Motion in Limine Regarding Experts is hereby GRANTED. Genlyte Thomas is precluded from presenting the testimony of Michael E. Tate and Thomas M. Lemons with respect to any trial, hearing or motion in this case.

SO ORDERED this ____ day of _____, 2006.

Honorable William G. Young
U.S. District Judge